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CHARLOTTE, N.C.

MAY 12 2005

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

Clerk, U.S. Dist. Court  
W. Dist. of N.C.

NORA LEE JOHNSON,

Plaintiff,

v.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

CIVIL NO. 3:04CV202

**CONSENT ORDER WITH REMAND**  
**PURSUANT TO SENTENCE FOUR OF 42 U.S.C. § 405(g)**

The United States of America has moved this Court, pursuant to sentence four of 42 U.S.C. §405(g), to enter a judgment reversing the defendant Commissioner's decision with a remand of the cause to the defendant Commissioner for further administrative proceedings.

On remand to the Commissioner, the Administrative Law Judge, ("ALJ") will 1) obtain additional evidence concerning Plaintiff's carpal tunnel syndrome and osteoarthritis; 2) further evaluate whether Plaintiff can perform her past relevant work in accordance with Social Security Ruling 82-62; and 3) if necessary, consult a vocational expert.

Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. §405(g), and in light of the Commissioner's and plaintiff's request to remand this action for further proceedings, this Court hereby:

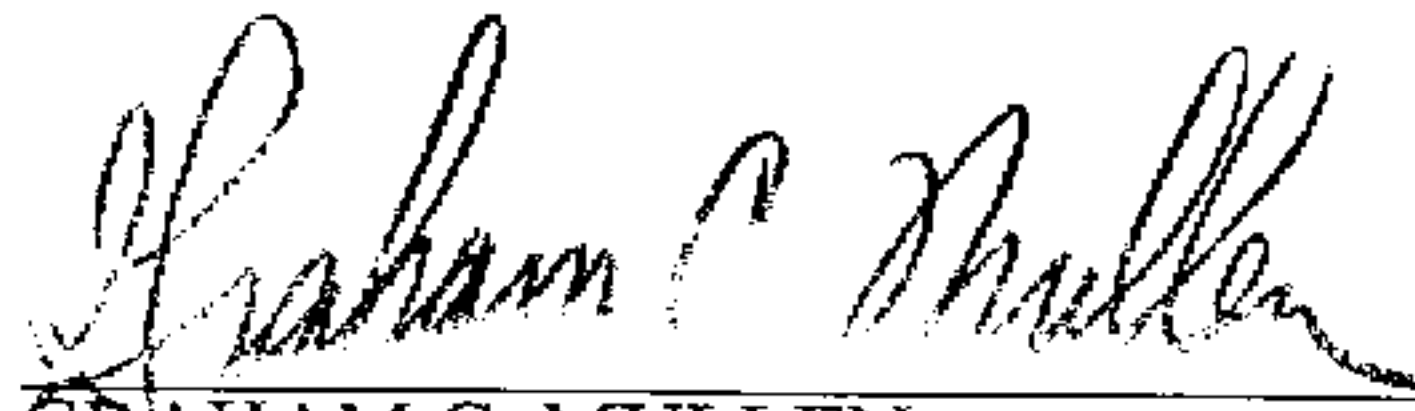
**REVERSES** the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. See Melkonyan v. Sullivan, 111 S. Ct. 2157(1991). The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure. As there remains no justiciable dispute pending between the parties, upon the Clerk's entry of judgment, the Court's jurisdiction over this case shall terminate except for purposes of consideration and determination of motions for

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attorneys fees, including any motion for such fees under the Equal Access to Justice Act (EAJA). Plaintiff shall have thirty (30) days from final judgment in which to file any motion for attorneys fees under EAJA in this matter.

This the 31<sup>st</sup> day of May, 2005.



GRAHAM C. MULLEN  
CHIEF, UNITED STATES DISTRICT JUDGE



JAMES M. SULLIVAN  
Assistant United States Attorney



MARGARET B. DEVRIES  
Counsel for Plaintiff